

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Walter N. Burnette, III

Serial No.: 08/448,727

Filed: May 24, 1995

For: MODIFIED PERTUSSIS TOXIN

**Group Art Unit: 1631****Examiner: John Brusca**

I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is being deposited this day, July 11, 2005, with the United States Postal Service as first class mail in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

Dee Dee Sutherland
DEE DEE SUTHERLAND

INTERVIEW SUMMARY, AMENDMENT AND RESPONSE TO OFFICE ACTION

Mail Stop Amendment
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is filed in response to the Office Action of January 26, 2005 and pursuant to the Examiner's interview with Applicant's representative, Michael Wise on April 27, 2005. This paper is filed in conjunction with a three-month request for extension of time, making the due date July 26, 2005. Thus, this response is timely.

Please amend the above-referenced application as follows.

Amendments to the Specification begin on page 3 of this paper.

Amendments to the Claims are reflected in the listing of claims which begins on page 5 of this paper.

Amendments to the Drawings begin on page 10 of this paper.

Remarks begin on page 12 of this paper.

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Interview Summary

On April 27, 2005, Examiner John Brusca and Applicant's representative Michael Wise had a personal interview regarding all pending claims. It was agreed that polypeptide claims from co-pending US Application No. 09/027,887 could be incorporated into the present application. Applicant noted that the obviousness-type double patenting rejection over US Patent No. 5,773,600 was improper in light of the restriction requirements in commonly claimed parent applications. Applicant proposed either abandoning co-pending US Application No. 09/027,887 or canceling conflicting claims.